

# Tattersall's Club Act of 1888 (Private Act)

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New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

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## Contents

<b>Long title</b> .....	3
Preamble .....	3
1 Name of Act .....	3
2 Definitions .....	3
3 Present rules to be in force until adoption of new rules .....	4
4 Committee may call meetings for adoption of new rules or repeal or amendment of existing rules .....	4
5 Chairman to call meeting for purpose of confirming or rejecting change in rules .....	4
6 Power to borrow or to sell or grant leases .....	4
7 Power to purchase or lease buildings or lands and erect club premises thereon .....	5
8 Real and personal property of the club to be vested in the chairman .....	5
9 Actions to be in the name of the Chairman .....	6
10 Memorial of the chairman's name to be recorded in the Supreme Court .....	6
11 No action to be brought until memorial is recorded .....	7
12 Effect of judgment against the chairman .....	7
<b>Schedule</b> .....	7

# Tattersall's Club Act of 1888 (Private Act)



New South Wales

An Act to enable the members of Tattersall's Club to sue and be sued in the name of its chairman; to alter its existing rules, and in other respects to carry out the objects of the Club.

## Preamble

WHEREAS a racing and sporting club has been formed, and has for some years existed in the City of Sydney under the name of Tattersall's Club, and has from time to time initiated and conducted race meetings, and has accumulated funds, and it has been discovered that the rules of the said club do not define the objects of the said club, and contain no provisions enabling the committee or the majority of the members of the said club to deal with the funds of the said club, or to invest the same or pay the same in promoting the objects of the said club or to borrow money, and are in other ways defective. And whereas the said rules cannot, except by the authority of the Legislature, be altered or supplemented so as to bind all the members of the said club without the express consent thereto of each and every member of the said club. And whereas the members of the said club are desirous that the said defects should be cured, and that power should be given to the majority of the members of the said club to amend the said rules:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

## 1 Name of Act

This Act may be cited for all purposes as the *Tattersall's Club Act of 1888*.

## 2 Definitions

In this Act (unless otherwise indicated by the context):

The word **club** means the said Tattersall's Club.

The word **chairman** means the chairman for the time being of the club.

The word **committee** means the committee for the time being of the club.

The words **member** and **members** mean respectively a member and members for the

time being of the club.

### **3 Present rules to be in force until adoption of new rules**

Until the passing and adopting of new rules in the manner hereinafter provided the present rules of the club shall so far as they are not inconsistent with this Act be in force and binding on all the members.

### **4 Committee may call meetings for adoption of new rules or repeal or amendment of existing rules**

The committee may, and upon the written requisition of not less than ten members, shall from time to time call meetings of the club for the adoption of new rules or the repeal or amendment of the existing rules, such meetings to be called in the same manner and subject to the same conditions as shall be provided in the rules of the club for the time being with respect to the calling of special general meetings of the club. At any such meeting at which not less than thirty members are present the proposed new rules or repeals or amendments of existing rules shall be submitted for the consideration of the meeting, and the same may be approved, rejected, or amended by the majority of such meeting or any adjournment thereof, and upon being confirmed as hereinafter in this Act provided shall so far as they are not inconsistent with this Act become the rules of the club and binding upon the members.

### **5 Chairman to call meeting for purpose of confirming or rejecting change in rules**

After any change in the rules has been carried at any meeting of the club duly called for that purpose, the chairman shall call another meeting of the club in the same manner as is provided in the rules of the club for the time being for the calling of special general meetings. Any such meeting shall be held not more than five weeks and not less than three weeks after the meeting at which the change in the rules shall have been carried, and shall be for the purpose of confirming or rejecting such change. At any such meeting the new rules, and the repeals and amendments of the existing rules which may have been carried at the former meeting, shall be put separately to the meeting, and shall thereupon be each confirmed or rejected, but no amendment shall be allowed, and such of the new rules, repeals, or amendments as are duly confirmed by a majority of the meeting shall thereupon, so far as they are not inconsistent with this Act, be binding on all the members. Provided that any member disapproving of any change in the rules of the club may within one calendar month of such confirmation resign his membership, and shall thereupon be relieved from all liabilities which may by such new rules, alterations, or amendments be imposed upon the members.

### **6 Power to borrow or to sell or grant leases**

It shall be lawful for the committee, in the name of the chairman from time to time on behalf of and for the purposes of the said club, to borrow money by way of mortgage of the lands, tenements, and hereditaments, real or personal, of the club, or by issue of

debentures secured upon the lands, tenements, and hereditaments, real or personal, of the club, or in any other way upon the security of the lands, tenements, or hereditaments, real and personal, of the club, or to sell or grant leases for any term of the lands, tenements, and hereditaments, real or personal, of the club or any portion thereof, and in any way to realize, or dispose of the moneys, goods, and chattels, choses in action or other personalty of the club for and in furtherance of the objects of the club. Provided that no such borrowing, mortgage, issue of debentures, or sale or leasing of the said lands, tenements, and hereditaments, shall be made without the consent of the majority of a special general meeting of the club called to consider such proposed borrowing, mortgage, issue of debentures, sale, leasing, realization, or disposition.

#### **7 Power to purchase or lease buildings or lands and erect club premises thereon**

It shall be lawful for the committee in the name of the chairman, from time to time on behalf of the club, to expend the funds of the club now held by the club, or hereafter accruing or accumulating, in the purchase or lease of buildings for the use of the members as club premises, or in the purchase or lease of land, and in the erection thereon of buildings for the use of the members as club premises, and in the improvement of such land and the repair or alteration of such premises: and also from time to time, in the name of the chairman, to invest the funds of the club now held by the club, or hereafter accruing or accumulating in bank deposits or in Government debentures of any of the Australian Colonies, or in loan on the mortgage of real property in the city of Sydney. Provided that no such purchase or lease shall be made, and no such buildings shall be erected, and no considerable expenditure at one time or in one contract shall be made in the improvement of such land, or repair or alteration of such premises, and no considerable investment of the funds of the club shall be made without the consent in each case of a majority of a special general meeting called to consider the proposed purchase, lease, erection of buildings, improvement, repair, alteration, or investment, as the case may be.

#### **8 Real and personal property of the club to be vested in the chairman**

All lands, tenements, and hereditaments, and all personal chattels and effects which are now held by the club, or by any person in trust for or for the benefit of the club or the members thereof, shall immediately upon the passing of this Act become and be vested in and be held by the chairman and his successors in such office in trust for the club, and in the like manner as if such chairman and his respective successors in such office were in law a corporation sole, and as if the personalty were real estate, and all lands, tenements, and hereditaments real and personal, and all personal chattels and effects which may hereafter be contracted for or be acquired by or belong to the club or the members thereof collectively may be conveyed, assigned, and assured to, and shall therefrom become vested in the chairman and his successors in such office in trust for the club, and in the like manner as if such chairman and his successors in such office were in law a Corporation sole, and as if the personalty were real estate, but nothing herein or in this Act contained shall be taken to incorporate the club or its members, or (except as

hereinbefore in this Act provided as to members resigning after any change in the rules of the club) to relieve or exonerate the members or any of them from any responsibility, duty, contract, or obligation which they would be subject or liable to either as between the club and other persons or as between the individual members of the club if this Act had not been passed.

#### **9 Actions to be in the name of the Chairman**

All actions, suits, proceedings or prosecutions in any Court, civil or criminal, and whether at law or in equity commenced, instituted, prosecuted, or continued from and after the passing of this Act by or on behalf of the club against any person whatsoever, or by any person whatsoever against the club, whether such person be a member of the club or otherwise, shall and may be lawfully commenced, instituted, prosecuted, or continued or defended in the name of the chairman holding office at the time of the commencement of such action, suit, proceeding, or prosecution as the nominal plaintiff, defendant, petitioner, respondent, or prosecutor, as the case may be, for and on behalf of the club and the members, and in all indictments and informations it shall be lawful to state the property of the club to be the property of the chairman, and any offence committed with intent to injure or defraud the club may in any prosecution for the same be stated or said to have been committed with intent to defraud or injure the chairman, and the death, resignation, or removal, or other act of the chairman, in whose name any such proceedings shall have been commenced, shall not abate any such action, suit, proceeding, or prosecution, but the same may be continued and concluded in the same name.

#### **10 Memorial of the chairman's name to be recorded in the Supreme Court**

Within one calendar month after the passing of this Act, a memorial in the name of the chairman substantially in the form set forth in the Schedule to this Act, signed by the chairman, shall be recorded upon oath, which oath any Justice of the Peace or Commissioner for Affidavits is hereby empowered to take, by the secretary of the club in the Supreme Court of New South Wales, and whenever and as often as any new chairman shall be elected, a memorial of the name of such newly elected chairman in the same or a similar form, and signed by such newly elected chairman, shall, within one calendar month of the election of such new chairman, be recorded upon oath taken as aforesaid by the secretary of the club in the Supreme Court of New South Wales, and the production in any Court of Justice, or before any person having by law or by consent of parties authority to hear evidence of any such memorial or any office or examined copy thereof, shall be *primâ facie* evidence of the truth of the statements in such memorial or office or examined copy, and the production in any such Court, or before any person having authority as aforesaid of the then last registered memorial, or of any office or examined copy thereof, shall be *primâ facie* evidence that the chairman therein named is the chairman of the club.

**Note—**

See clause 27 of the Fourth Schedule to the *Supreme Court Act 1970*.

### **11 No action to be brought until memorial is recorded**

Until such memorial as hereinbefore first-mentioned shall be recorded in the manner hereinbefore in this Act directed, no action, suit, prosecution, or other proceeding shall be brought by the club, or any of the members thereof on behalf of the club in the name of the chairman.

### **12 Effect of judgment against the chairman**

Every judgment and every decree or order which shall be at any time after the passing of this Act obtained against the chairman on behalf of the club shall and may take effect and be enforced and execution thereon be issued against the property and effects of the club, in the same manner as if such judgment, decree, or order had been made against the said club.

## **Schedule**

### **TATTERSALL'S CLUB, SYDNEY.**

Memorial to record name of the chairman of Tattersall's Club in the Supreme Court of New South Wales, pursuant to the *Tattersall's Club Act of 1888*. The name of the said Chairman is \_\_\_\_\_, and he was duly elected to the office of chairman on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 188 \_\_\_\_\_.

A.B., Chairman.

I \_\_\_\_\_, of \_\_\_\_\_, make oath and say that I am the secretary of Tattersall's Club, and that I saw the foregoing memorial signed by the abovenamed chairman, and that he was duly elected chairman on the day abovementioned.

Sworn this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 188 \_\_\_\_\_.

Before me